IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.955 OF 2006

Shri Vijay Ganpat Pethare ...Applicant

v/s

The State of Maharashtra ..Respondents.

Mr. A.S. Vengurlekar for the applicant.
Mr. Y.S. Shinde, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 8th March, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for anticipatory bail filed by the applicant who apprehends arrest in connection with complaint dated 18/2/2006 lodged by Deputy Chief Officer, MHADA which is registered as C.R. No.47 of 2006 at Kherwadi Police Station.

3. It is alleged in the complaint that the applicant was appointed as Deputy CDO, PMGP, MHADA and after the said PMGP project was dissolved he was absorbed in the Repair and Reconstruction Board. It is alleged that certain interpolations were made in the record of

MHADA where the applicant was in-charge of that Department.

4. The learned Counsel for the applicant submitted that the only allegation against the present applicant was that the file on which he had signed had been interpolated. He submitted that there was evidence on record to indicate that after the applicant had made an endorsement, the said file had been sent to the concerned Officer and, thereafter, he had no control over the said file and, therefore, he had no occasion to make any interpolation. He submitted that the admitted position was that remark on the said file which was made by him clearly indicated that the said tenement could not be allotted to the concerned persons. The learned Counsel, therefore, submitted that the applicant had made correct endorsement and interpolation, if any, therefore was not made by him but was made by some other person. It is further submitted that there is no allegation that the applicant had been paid any amount.

5. The learned APP appearing on behalf of the State invited my attention to the complaint which is filed. In the complaint, there is a specific allegation against the present applicant. It is also stated in

the complaint that pursuant to the said allegation which was levelled against the applicant, a departmental inquiry was held and prima facie evidence was found in the said departmental inquiry and, as a result, the applicant was suspended.

6. Taking into consideration the seriousness and gravity of the offence, in my view, this is not a fit case for grant of an anticipatory bail. As rightly observed by the Sessions court, the investigation is in progress and it is necessary for the police to investigate to find out the role of the other persons involved. Therefore, I am not inclined to grant anticipatory bail. The application for anticipatory bail is accordingly rejected. At this stage, the learned Counsel for the applicant seeks time for the applicant to surrender. Accordingly four days' time is granted to the applicant to surrender.

7. Application is accordingly disposed of.

V.M. KANADE, J.